

FREQUENTLY ASKED QUESTIONS

(updated November 2012)

FILING

1. What is the Court's address?

| <i>Mailing Address for U.S. Postal Service</i> | <i>Mailing Address for Overnight Delivery (FedEx, UPS, etc.)</i> | <i>Street Address</i> |
|---------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|
| Office of the Clerk James R. Browning Courthouse U.S. Court of Appeals P.O. Box 193939 San Francisco, CA 94119-3939 | Office of the Clerk James R. Browning Courthouse U.S. Court of Appeals 95 Seventh Street San Francisco, CA 94103-1526 | 95 Seventh Street San Francisco, CA 94103 Public entrance is at the corner of 7th Street and Mission Street. |

2. Where can I find information about electronic filing and the Appellate Electronic Case Files ("ECF") system?

All information about electronic filing and Appellate ECF is available at
<http://www.ca9.uscourts.gov/cmecf/>

A list of frequently asked questions ("FAQs") concerning Appellate ECF is available at <http://www.ca9.uscourts.gov/cmecf/faqs>

3. What hours are you open for filing and are you open during the lunch hour?

The courthouse is open from 8:30 am - 5:00 pm Monday through Friday, except federal holidays. Yes, we are open during the lunch hour.

Appellate ECF allows you to file documents electronically 24 hours a day, 7 days a week. For information about system outages, check
<http://www.ca9.uscourts.gov/cmecf/>.

4. Is a document considered timely if it is served on the due date?

Only briefs and excerpts of record are considered timely when served on the due date. All other documents, including motions, petitions for rehearing, and bill of costs, must be delivered to the court or electronically filed no later than the due date. See Federal Rule of Appellate Procedure 25(a)(2)(A) and (a)(2)(B).

5. What should I do if I have an emergency motion?

Any emergency situation must be brought to the attention of the Motions Unit. During business hours, call the Motions Unit directly at (415) 355-8020. After hours, call (415) 355-8509. See 9th Circuit Rule 27-3.

6. What color should I use for the cover of my brief?

| | |
|---------------------------------------------|--------|
| Opening Brief by appellant and petitioner: | Blue |
| Answering Brief by appellee and respondent: | Red |
| Reply Brief: | Gray |
| Brief by amicus and intervenor: | Green |
| Second Brief on Cross-appeal: | Red |
| Third Brief on Cross-appeal: | Yellow |
| Supplemental Brief: | Tan |

7. What are the page or word limitations for my brief?

The length of a principal brief may not exceed 30 pages unless it complies with Federal Rule of Appellate Procedure 32 (a)(5), (a)(7)(B) and (a)(7)(C) which limits the principal brief to 14,000 words of 14-point type or, if using a monospace type face (such as Courier), not more than 1,300 lines of text.

Reply briefs may not exceed 15 pages, or alternatively may not contain more than half of the type volume specified above.

8. What belongs in the Excerpts of Record and what color is the cover?

Please read 9th Circuit Rule 30-1 for an explanation of the contents of the Excerpts of Record. Excerpts have white covers.

Unrepresented litigants are not required to file Excerpts of Record.

Petitioners challenging an order of the Board of Immigration Appeals are exempted from the Excerpts requirement but must include an addendum (the decision by the immigration judge or Board of Immigration Appeals) which should be bound with the brief pursuant to 9th Circuit Rule 28-2.7.

Note that Excerpts of Record must be filed in paper format in all cases and may not be filed electronically by any party.

9. If I filed a document electronically, how many paper copies should I send to the Court?

Briefs: 7 copies, but send paper copies to the Court only **after** you receive an order requesting them.

Everything else: None, unless the Court orders you to submit paper copies.

10. If I am filing a document by paper and not electronically via the Appellate ECF system, how many paper copies should I send to the Court?

Briefs: Original + 7 copies of the brief

Excerpts of Record: 4 copies

Pre-Sentence Report: 4 copies

Everything else: Only the original paper document

At its discretion, the Court may order that additional paper copies of any document be filed.

For a copy stamped “Filed” (a “conformed copy”), please provide an extra copy of the document along with a self-addressed label.

11. Can I speak to a judge about my case?

No, all questions about your case should be directed to the Clerk either by calling (415) 355-8000 or by putting your question in writing. See 9th Circuit Rule 25-2.

FEES/COPIES

12. How can I obtain a copy of a decision?

Decisions are available on PACER and are also available for free at <http://www.ca9.uscourts.gov> under *Opinions*.

13. What are the most common fees in the Ninth Circuit (as of November 2011)?

Petition for Review: \$450.00

Petition for Writ of Mandamus: \$450.00

Attorney Admission: \$230.00

Certificate of Good Standing: \$18.00

BIA Record on CD: \$30.00

Certified Decision: \$13.00

Certified Docket: \$14.00

14. Where do I file a Notice of Appeal and what is the fee?

You must file your Notice of Appeal in the originating court (the district court or bankruptcy court) along with the \$455.00 filing fee. Fees for Bankruptcy Appellate Panel ("BAP") cases are collected by the BAP. Fees for Tax Court cases are collected by the Tax Court. See 9th Circuit Rule 3-1.

15. How can I obtain a copy of the 9th Circuit Rules or General Orders?

Both documents are available for free at <http://www.ca9.uscourts.gov> under *Rules*.

16. How can I get copies of forms?

Forms are available at <http://www.ca9.uscourts.gov> under *Forms*. You may also call the Clerk's Office at (415) 355-8000 or send a written request.

BRIEFING/HEARING PROCESS

17. How long does it take from the time of the notice of appeal until oral argument?

For a civil appeal, approximately 12-20 months from the notice of appeal date. If briefing isn't delayed, approximately 9-12 months from completion of briefing.

For a criminal appeal, approximately 4-5 months after briefing is complete.

18. How long does it take from the time of argument to the time of decision?

The Court has no time limit, but most cases are decided within 3 months to a year.

19. How long does it take to decide a petition for panel rehearing or petition for rehearing en banc?

The Court has no time limit. A decision on a petition for rehearing en banc may take a few months.

20. How can I get a copy of a brief, Excerpts of Record, motion, etc.?

All documents filed after January 1, 2009, excluding Excerpts of Record and sealed documents, are available online via PACER. For more information on PACER, go to <http://www.pacer.gov/psc/faq.html>

For documents of up to 10 pages, the Clerk's Office will copy them for \$0.50 per page. You can come to the Court and copy any documents for \$0.25 per page on the public copy machine. Court documents cannot be taken outside the Court for copying.

21. How can I get an audio copy of an oral argument?

Oral arguments are available for free at <http://www.ca9.uscourts.gov> under *Audio and Video*.

ATTORNEY ADMISSIONS

A list of frequently asked questions (“FAQs”) concerning Attorney Admissions is available at:

http://www.ca9.uscourts.gov/datastore/uploads/forms/atty_faqs.pdf